

**LATHAM & WATKINS LLP**

Douglas E. Lumish (SBN 183863)

*doug.lumish@lw.com*

Gabriel S. Gross (SBN 254672)

*gabe.gross@lw.com*

Arman Zahoory (SBN 306421)

*arman.zahoory@lw.com*

Rachel S. Horn (SBN 335737)

*rachel.horn@lw.com*

140 Scott Drive

Menlo Park, California 94025

Telephone: (650) 328-4600

Facsimile: (650) 463-2600

*Attorneys for Defendant and Counterclaimant  
Skyryse, Inc.*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

MOOG INC.,

Plaintiff,

v

SKYRYSE, INC., ROBERT ALIN  
PILKINGTON, MISOOK KIM, and  
DOES NOS. 1-50,

Defendants.

SKYRYSE, INC.,

Counterclaimant,

v

MOOG INC.,

Counterclaim-Defendant.

CASE NO. 2:22-cv-09094-GW-MAR

**DECLARATION OF STEPHEN KOO IN  
SUPPORT OF SKYRYSE'S  
OPPOSITION TO PLAINTIFF MOOG  
INC.'S NOTICE OF MOTION AND  
MOTION TO ENFORCE  
COMPLIANCE WITH THE MARCH 11,  
2022 STIPULATED TRO (DKT. 25),  
AND FOR MONETARY AND  
ADVERSE INFERENCE SANCTIONS  
FOR CONTEMPT AND SPOLIATION**

Judge: Hon. George H. Wu  
Crtrm: 9D

1 I, Stephen Koo, declare as follows:

2 1. I am over the age of eighteen and competent to make this Declaration.  
3 The facts stated in this Declaration are within my personal knowledge or based on  
4 my personal investigation, and they are true and correct. If called to testify as a  
5 witness, I could testify to these facts truthfully.

6 2. I am the Chief Financial Officer of Skyryse, Inc. and work in El Se-  
7 gundo, California.

8 3. Alin Pilkington started as a Software Engineering Manager at Skyryse  
9 on or around November 15, 2021 and Skyryse terminated his employment on or  
10 around April 25, 2022.

11 4. Misook Kim started as a Software Design Engineer at Skyryse on or  
12 around December 20, 2021 and Skyryse terminated her employment on or around  
13 April 25, 2022.

14 5. Chi Hsin ("Alex") Wang started as a Systems and Electronics Testing  
15 Lead at Skyryse on or around February 10, 2022, Skyryse put him on administrative  
16 leave on or around April 6, 2022, and Skyryse terminated his employment on or  
17 around June 14, 2022.

18 6. Without revealing privileged contents of any confidential communica-  
19 tions, I can confirm that on March 9, 2022, Skyryse issued a litigation hold notice  
20 relating to this action to 34 Skyryse employees including Mr. Wang. On March 10,  
21 2022, Mr. Wang acknowledged that he had received and read the notice and under-  
22 stood his obligations.

23 7. Promptly upon learning of Moog's claims, Skyryse confirmed it had  
24 technological measures in place to ensure that all documents contained in Skyryse's  
25 cloud-based workspace platform, including emails and other electronic information,  
26 were preserved, and Skyryse has kept those measures in place throughout the pen-  
27 dency of this lawsuit.

28

1           8.     At the outset of this case, Skyryse engaged a global e-discovery and  
2 forensics vendor, FTI Consulting, to assist Skyryse and its counsel with data preser-  
3 vation. This has been a significant undertaking. I understand that to date, FTI has  
4 worked with Skyryse to preserve over 20 terabytes of data from more than 200  
5 sources, including over 100 devices.

6           9.     On April 21, 2022, Skyryse issued a litigation hold to all remaining  
7 Skyryse employees who had not previously received one, which was an additional  
8 40 employees.

9           10.    On or around April 5, 2022, Skyryse's former outside counsel at Gibson  
10 Dunn scheduled an in-person meeting with Mr. Wang and met with him the follow-  
11 ing day.

12           11.    On or around April 25, 2022, Skyryse learned that Mr. Wang had de-  
13 leted files from his laptop on or around April 5 and 6, 2022. Skyryse did not know  
14 about, authorize, or condone Mr. Wang deleting any files potentially relevant to this  
15 action. On behalf of Skyryse, its counsel promptly contacted Moog's counsel to in-  
16 form them of what they had learned. Skyryse promptly set about investigating and  
17 attempting to recover any potentially deleted files. That investigation has involved  
18 engaging two qualified forensics firms, FTI Consulting and Berkeley Research  
19 Group.

20           12.    Out of an abundance of caution, Skyryse put numerous employees who  
21 had previously worked at Moog on administrative leave while it continued its inves-  
22 tigation into Mr. Wang's files and Moog's accusations. As I mention above, Skyryse  
23 also terminated Mr. Wang's employment on or around June 14, 2022.

24           13.    On or around August 3, 2022, Skyryse learned through Moog's publicly  
25 filed motion that Moog was alleging that a third-party contractor named Lori Bird,  
26 who worked remotely from out-of-state, had been utilizing checklists and develop-  
27 ment plan templates she had either obtained from her time at Moog or from Alin  
28 Pilkington. Skyryse was not aware of these accusations or alleged activities until it

1 learned about them through Moog's filing. Skyryse terminated its relationship with  
2 Ms. Bird on or around August 28, 2022 after asking her to cooperate with Skyryse  
3 and its e-discovery vendor to image her relevant devices for preservation purposes  
4 related to this litigation.

5 14. Skyryse has also taken steps to ensure that its personnel cannot use  
6 without authorization information that could arguably constitute Moog's proprie-  
7 tary, confidential, or non-public information,.

8 15. I understand that Moog alleges in its sanctions motion that Skyryse has  
9 impermissibly made "continued use of Moog's MDTE software test framework after  
10 March 11, 2022," for what Moog describes as "Skyryse's copycat SDTE test frame-  
11 work." But, as part of its ongoing investigation and related efforts, by no later than  
12 July 6, 2022, out of an abundance of caution Skyryse had taken steps at the direction  
13 of management to ensure that the source code for its SDTE, or desktop test environ-  
14 ment, was entirely removed from its source code repository. I understand that code  
15 is no longer there, and cannot be used by Skyryse personnel, contrary to Moog's  
16 suggestion.

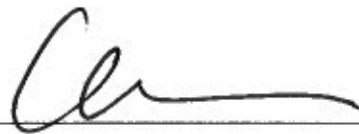
17 16. I understand that Moog also alleges that Skyryse has impermissibly  
18 made continued use of Skyryse's SRTOS program after March 11, 2002, which  
19 Moog alleges is "essentially identical to Moog's eRTOS program." But, as part of  
20 its ongoing investigation and related efforts, by no later than July 6, 2022, out of an  
21 abundance of caution Skyryse had taken steps at the direction of management to  
22 examine the directories and files of source code for SRTOS, and to remove from its  
23 source code repository any files or directories that arguably constitute Moog's pro-  
24 prietary, confidential, or non-public information, and that Skyryse was unable to  
25 confirm were based only on internal Skyryse information or information generally  
26 known in the industry. I understand those directories and files are no longer there,  
27 and cannot be used by Skyryse personnel, contrary to Moog's suggestion.

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1           17. I understand that Moog also alleges that Skyryse has impermissibly  
2 made continued use of software development checklists that it contends are Moog's  
3 non-public information. But Skyryse has been diligently investigating Moog's accu-  
4 sations, including the accusations Moog made related to checklists on or around Au-  
5 gust 3, 2022. By no later than October 2022, out of an abundance of caution Skyryse  
6 had taken steps at the direction of management to replace all of its software check-  
7 lists with new checklists provided by a third party called ConsuNova. I understand  
8 Skyryse personnel are no longer using software checklists other than those acquired  
9 from ConsuNova, contrary to Moog's suggestion.

10           I declare under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the  
11 foregoing is true and correct to the best of my knowledge and my investigation to  
12 date.

13           Dated: April 24, 2023

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15 \_\_\_\_\_  
16 Stephen Koo

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